

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SMITHFIELD FOODS, INC.,

Defendant.

Civil Action No.1:03-CV-00434 (HHK)

**PLAINTIFF’S UNCONTESTED MOTION FOR EXTENSION OF TIME
FOR PLAINTIFF TO FILE ITS REPLY MEMORANDUM
IN RESPONSE TO DEFENDANT’S MEMORANDUM OF
POINTS AND AUTHORITIES IN OPPOSITION TO
PLAINTIFF’S MOTION TO COMPEL AND FOR AN
EXTENSION OF TIME FOR JURISDICTIONAL DISCOVERY**

Plaintiff, United States of America (“United States”), respectfully moves this Court, pursuant to Fed. R. Civ. P. 7(b) for entry of the attached Order extending the time for the Plaintiff to file its Reply Memorandum in response to the Defendant’s Memorandum of Points and Authorities in Opposition to the Plaintiff’s Motion to Compel Compliance with Plaintiff’s Discovery Requests and for an Extension of Time for Jurisdictional Discovery. For its reasons, the Plaintiff relies upon the following:

1. It is unclear to the Plaintiff whether any Reply Memorandum is required at this time. The Court has not acted upon the Defendant’s Motion to Vacate this Court’s Order granting the Motion to Compel. Without unnecessarily anticipating that the Court will grant the Defendant’s Motion to Vacate, the Plaintiff wants to preserve its right to file its Reply

Memorandum should the Court grant the Defendant's Motion.

2. The time for filing a Reply Memorandum by the Plaintiff, if necessary, may expire before the Court rules on the Defendant's Motion to Vacate.
3. The Plaintiff also relies upon the Memorandum of Points and Authorities in Support of Plaintiff's Motion for an Extension of Time which is attached hereto and is fully incorporated herein by reference.

Statement of Compliance with LCvR 7.1 (m)

Pursuant to LCvR 7.1(m), Plaintiff discussed this motion with Smithfield's counsel by telephone on July 22, 2003, and counsel for the Defendant advised that Defendant would have no objection to a brief extension of one (1) day for the Plaintiff to file its Reply Memorandum.

Wherefore, Plaintiff respectfully requests the entry of the attached Order granting the Plaintiff an extension of time to July 25, 2003, for the filing of its Reply Memorandum in response to the Defendant's Memorandum of Points and Authorities in Opposition to the Plaintiff's Motion to Compel Compliance with Plaintiff's Discovery Requests and for an Extension of Time for Jurisdictional Discovery.

Dated this 24th day of July, 2003.

Respectfully submitted,

Plaintiff, United States

By _____/s/_____

Nina B. Hale

Jessica K. Delbaum

Alexander Hewes, Jr.

D.C. Bar No. 150284

Antitrust Division

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